



# MINUTES

## DEVELOPMENT CONTROL COMMITTEE

TUESDAY 25<sup>th</sup> JULY 2006

3.00 P.M.

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### COMMITTEE MEMBERS PRESENT

Councillor Chivers  
Councillor Exton  
Councillor Fines  
Councillor Howard  
Councillor Mrs Hurst  
Councillor Mrs Jalili  
Councillor Kerr  
Councillor Parkin (in the Chair)

Councillor Mrs Percival  
Councillor Mrs M Radley  
Councillor Sandall  
Councillor Selby  
Councillor Stokes  
Councillor H G Wheat  
Councillor Wilks

### OFFICERS

Principal Planning Officer  
Senior Planning Officer  
Senior Planning Officer (Policy and Conservation)  
Committee Support Officer  
Legal Executive

### OTHER MEMBERS

Councillor Brailsford  
Councillor Miss Channell

In accordance with Council procedure rule 24. 5, Councillor Miss Channell spoke in connection with application SR3.

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### 709. MEMBERSHIP

The Committee was notified by the Chief Executive that he had received notices under Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990 and had appointed Councillor H G Wheat in place of Councillor Turner and Councillor Mrs M Radley in place of Councillor N Radley for this meeting only.

### 710. DECLARATIONS OF INTEREST

There were none declared.

## **711. MINUTES**

The minutes of the meeting held on 4<sup>th</sup> July 2006 were confirmed as a correct record of decisions taken.

## **712. SO6/0366/35 – RESIDENTIAL DEVELOPMENT, 201 BARROWBY ROAD, GRANTHAM**

*Decision:-*

*That, contrary to the decision made at the Development Control Committee on 16<sup>th</sup> May 2006, application SO6/0366/35 – residential development, 201 Barrowby Road, Grantham, be permitted without the requirement for an educational contribution through a Section 106 Agreement, but with the imposition of the conditions previously suggested.*

In report PLA599 the Acting Development Control Services Manager reminded members that the above application had been considered at the committee's meeting on 16<sup>th</sup> May 2006, when authorisation had been given to determine the application after consultation with the Chairman and Vice Chairman and subject to a Section 106 Agreement relating to an educational contribution.

In April, and as part of the written comment on the application, the County Council had indicated that they were seeking an educational contribution of £55,785.00. The Acting Development Control Services Manager also reminded members that when an adjacent site (the Nissan garage) had been approved at the end of 2005 the County Council had also requested an educational contribution as part of that proposal. However it was considered that as the required funds could not be apportioned to a nearby school and would have essentially been used by the County Council for any Grantham school, it was not deemed to be a direct requirement as a result of the development proposed and the request was not agreed. Government Circular 05/05 provided the Secretary of State's policy on planning obligations and stated that they should only be sought where they met certain tests, which were set out in full in the report. It was considered that all of the tests were relevant, and further on the circular stated that obligations must be so directly related to proposed development that the development ought not to be permitted without them. There should also be a functional geographic link between the development and the item being provided.

In the light of the decision made on the adjacent site the County Council had been asked to justify their request, and their letter in response was set out in full in the report.

It was clear that the information received showed that the County Council were hoping to "bank" the requested contribution and they had in addition confirmed that there was no specific local school that the funds would go to as a direct result of the development proposed. There was clearly no functional or geographical link between the development and the contribution being asked for, and in the opinion of the authority the request was contrary to the

*requirements of Circular 05/05 and should not be taken into consideration as part of the proposals.*

*During the ensuing general discussion, members queried whether or not a "community contribution" could be sought in place of the educational contribution now being specifically discussed. The Principal Planning Officer responded that whatever the planning obligation was, it would be necessary for it to meet the criteria set out in Circular 05/05 and clearly the suggestions made would not.*

*It was accordingly proposed, seconded and agreed that the application be permitted without the requirement for an educational contributions through a Section 106 Agreement.*

### **713. S05/1691 – RESIDENTIAL DEVELOPMENT (43), LAND SOUTH OF SPALDING ROAD, FROGNALL**

Noting that the requirement for amended conditions can be covered without committee intervention, this item was withdrawn.

### **714. PLANNING MATTERS - STRAIGHTFORWARD LIST**

*Decision:-*

*To determine applications, or to make observations, as listed below:-*

#### **SF.1**

Application ref: S06/0862/35

Description: Construction of summer house

Location: 177a, Belton Lane, Grantham

Decision: Approved

Subject to the following condition:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

### **715. PLANNING MATTERS – LIST FOR DEBATE**

*Decision:-*

*To determine applications, or make observations, as listed below:-*

#### **NU.1**

Application ref: S06/0576/54

Description: Three retail units & six flats  
Location: Land Adj. Lytham Close, Sunningdale, Grantham  
Decision: Refused

Noting comments from the Parish Council, Highway Authority and Arboriculturalist, numerous representations from local residents and submissions in support from the applicants.

The Principal Planning Officer confirmed that, notwithstanding the comments received from members, which were included in the report, the recommendation was still to approve the application subject to conditions. At the request of the Committee Support Officer, all members who had voted that they were minded to refuse the application at the last meeting confirmed that they agreed with the reasons set out in the agenda.

It was then formally proposed and seconded that the application be refused.

The Committee Support Officer then reminded members that under the terms of the Constitution, having indicated that they were minded to refuse the application, and having submitted reasons for this and considered the comments of the Development Control Services Manager thereon, they could now proceed, if they wished, to formally refuse the application, although this must be by a recorded vote.

Those voting for or against the proposal are recorded below:-

<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAIN</u>
Councillor Chivers	Councillor Parkin	Councillor Selby
Councillor Exton		
Councillor Fines		
Councillor Howard		
Councillor Mrs Hurst		
Councillor Mrs Jalili		
Councillor Sandall		
Councillor Stokes		
Councillor Wilks		

The proposition was therefore carried, and the application was refused for the following reasons:-

Consent is sought for the development of the site with retail units at ground floor and 6 apartments at first floor. It is considered that the erection of two storey building on this site, by reason of the site levels and the proximity of the building to the existing dwellings to the north, would result in an overbearing impact on those properties to the detriment of the residential amenity of the occupiers. In addition it is considered that the proposal will from an overdevelopment of the site resulting in the provision of an overbearing structure that would not be in

keeping with the surrounding area. For these reasons it is considered that the development would be contrary to Policies S6 and EN1 of the South Kesteven Local Plan.

**NR.1**

Application ref: S06/0622/55

Description: Four dwellings & garage and replacement garage to Farbrooke

Location: Farbrooke, 17, Main Road, Long Bennington

Decision: Refused

Noting comments from the Parish Council, Highway Authority and Assets & Facilities Management, no objection from the Community Archaeologist, representations from nearby residents, submissions in support from the applicants and further comments from local residents.

The Principal Planning Officer drew attention to the reasons for refusal which had been given to the committee at the last meeting. His comments were set out in full in the report and he confirmed the recommendation was still to approve, subject to conditions.

The Committee Support Officer then reminded members that under the terms of the Constitution, having indicated that they were minded to refuse the application, and having submitted their reasons for this and considered the comments of the Development Control Services Manager thereon, they could now proceed, if they wished, to formally to refuse the application, although this must be by a recorded vote.

It was then formally proposed and seconded that the application be refused for the following reasons:-

1. It is considered that the density of the development on the site should be commensurate with the wider pattern of the settlement. Long Bennington is predominantly characterised by dwellings set in large plots. The density of this development is greater than that of the surrounding area and, as such, creates a discordant element within the centre of the village contrary to PPG3.
1. It is also considered that the proposed development creates an adverse impact on the amenities of the properties on Vicarage Lane from overlooking and a loss of privacy, contrary to Policies EN1 and H6 of the South Kesteven Local Plan.

Those voting for or against the proposed are recorded below:-

<b><u>FOR</u></b>	<b><u>AGAINST</u></b>	<b><u>ABSTAIN</u></b>
Councillor Chivers	Nil	Nil
Councillor Exton		
Councillor Fines		
Councillor Howard		
Councillor Mrs Hurst		
Councillor Mrs Jalili		
Councillor Kerr		
Councillor Parkin		
Councillor Sandall		
Councillor Selby		
Councillor Stokes		
Councillor Wilks		

The proposition was therefore carried, and the application was refused for the following reasons:-

1. It is considered that the density of the development on the site should be commensurate with the wider pattern of the settlement. Long Bennington is predominantly characterised by dwellings set in large plots. The density of this development is greater than that of the surrounding area and, as such, creates a discordant element within the centre of the village contrary to PPG3.
2. It is also considered that the proposed development creates an adverse impact on the amenities of the properties on Vicarage Lane from overlooking and a loss of privacy, contrary to Policies EN1 and H6 of the South Kesteven Local Plan.

## **NR.2**

Application ref: S06/0713/55

Description: Demolition of existing house & surgery and construction of two storey starter flats (18)

Location: 15 - 17, Winters Lane, Long Bennington

Decision: Deferred

Noting comments made during the public speaking session from:-

Mr K Weightman – 2 Winters Lane, Long Bennington – objecting

Dr C Lawrenson – joint applicant

together with report of site inspection, numerous representations from local residents, an objection from the Parish Council, comments from Leisure and

Cultural Services, Lincolnshire Police, Assets and Facilities Management, SKDC Archaeology, the Highway Authority and Housing Solutions, together with a summary statement in support from the applicants, Acting Development Control Services Manager authorised to determine the application, after consultation with the Chairman and Vice Chairman, subject to the receipt of amended plans in relation to elevational treatment and layout of the proposed flats, subject to conclusion of an agreement under the Section 106 of the Town and Country Planning Act to ensure an affordable housing element within the scheme, and subject also to appropriate conditions.

**SU.1**

Application ref: S06/0215/69

Description: Construction of dwelling

Location: Land Adjacent 98, Empingham Road, Stamford

Decision: Refused

Noting comments made during the public speaking session from:-

Mr S V Wells – applicant's agent

together with comments from the Highway Authority, no objection from Stamford Town Council, representations from nearby residents and supporting information from the applicants, for the following reasons:-

The proposal involves the construction of a detached dwelling on a very prominent corner site in a mature residential area on one of the principal approach roads to the town centre from the west. The site currently forms part of the domestic garden of a semi-detached dwelling, No. 98 Empingham Road.

It is considered that the proposed development constitutes too severe a departure from the established traditional pattern, style and character of existing residential properties in the vicinity and would, therefore, cause an aggressive visual and architectural intrusion on the scene.

The proposal would, therefore, be contrary to Policies EN1 and H6 of the South Kesteven Local Plan, advice on new dwellings in Supplementary Planning Guidance contained in the Lincolnshire Design Guide for Residential Areas and Central Government Planning Policy Guidance contained in PPG (Housing - 2000).

**SU.2**

Application ref: S06/0439/69

Description: Residential development (outline)

Location:

Land And Premises Of E Bowman & Sons, Cherryholt  
Road, Stamford

Decision:

Deferred

Noting comments from the Highway Authority, Head of Planning Policy and Economic Regeneration, Housing Solutions and Community Archaeologist, an objection from the Environment Agency and no objection from Stamford Town Council, representations from a number of nearby residents and detailed submissions in support from the applicants, together with comments from the Amenities Manager and further advice from the Environment Agency that they are minded to approve, deferred pending receipt of further information, particularly from the Highway Authority and Head of Planning Policy and Economic Regeneration.

*(The meeting adjourned from 4.09pm to 4.25pm)*

*(4.29pm - Councillor Wilks left the meeting)*

**SU.3**

Application ref: S06/0451/56

Description: 11 houses and 6 apartments (Reserved matters)

Location: The Still, Off Rosemary Avenue, Market Deeping

Decision: Approved

Noting comments from Highway Authority, Community Archaeologist and Housing Solutions together with an objection from the Town Council and representations from nearby residents, and the submission of an amended plan, subject to the following condition:-

This consent relates to the application as amended by amended drawing nos. SL01 rev.A received on 29<sup>th</sup> June 2006, unless the local planning authority gives written consent to any minor variation.

Note(s) to Applicant

1. Your attention is drawn to the enclosed Planning Guidance Note No. 2 entitled 'Watching Brief' and the Community Archaeologist's assessment which may be helpful to you in complying with the condition relating to archaeology included in this approval. The South Kesteven Community Archaeologist may be contacted at Heritage Lincolnshire, The Old School, Cameron Street, Heckington, Sleaford, Lincs NG34 9RW - Tel: 01529 461499, Fax: 01529 461001.
2. You are advised that the application site falls within an area which requires protection from Radon. You are advised to contact the District Council's Building Control Services to ascertain the level of protection required, and whether geological assessment is necessary.

#### **SU.4**

Application ref: S06/0514/69

Description: Residential development

Location: Former Quarry Farm Brickworks, Little Casterton Road, Stamford

Decision: Deferred

To enable proper consider of and re-consultation on the amended plans received on the day of the meeting.

*(4.35pm – Councillor Wilks returned to the meeting)*

*(4.35pm – Councillor Wilks left the meeting)*

*(4.40pm – Councillor Wilks returned to the meeting)*

#### **SR.1**

Application ref: S06/0677/48

Description: Demolition of rear extension & construction of two storey stone extension & minor internal alterations

Location: 19, Hawthorpe Road, Irnham

Decision: Refused

Noting comments from the Community Archaeologist, no objection from the Parish Council, Highway Authority or English Nature and additional information from the Principal Planning Officer (Policy and Conservation), for the following reason:-

The survey plans of the existing building submitted with the application are inaccurate and misrepresent the existing building. It is therefore unclear as to what works are proposed to be undertaken as part of this application. Notwithstanding this no justification has been provided with the application to demonstrate that the works are desirable or necessary. It is considered that the proposed two storey rear extension to the rear of No. 19 Hawthorpe Road would constitute, by reason of its design and size, an inappropriate and unsympathetic addition to an otherwise modest two bedroom cottage. Acceptance of the proposal would therefore be contrary to the requirements of Central Government Planning Policy Guidance contained in PPS1 (Delivering Sustainable Development), PPG15 (Planning and the Historic Environment), Policy BE3 of the Lincolnshire Structure Plan (proposed Changes, February 2005) and Policies H7, EN1, C6 and C9 of the South Kesteven Local Plan.

Note to applicant:-

Applicant to be advised to consult the Senior Planning Officer (Policy and Conservation) prior to the submission of any further applications on this site.

**SR.2**

Application ref: S06/LB/6603/48

Description: Demolition of rear extension & construction of two storey stone extension & minor internal alterations (listed building)

Location: 19, Hawthorpe Road, Irnham

Decision: Refused

Noting comments from the Community Archaeologist, no objection from the Parish Council, Highway Authority or English Nature and additional information from the Principal Planning Officer (Policy and Conservation), for the following reason:-

The survey plans of the existing building submitted with the application are inaccurate and misrepresent the existing building. It is therefore unclear as to what works are proposed to be undertaken as part of this application. Notwithstanding this no justification has been provided with the application to demonstrate that the works are desirable or necessary. It is considered that the proposed two storey rear extension to the rear of No. 19 Hawthorpe Road would constitute, by reason of its design and size, an inappropriate and unsympathetic addition to an otherwise modest two bedroom cottage. Acceptance of the proposal would therefore be contrary to the requirements of Central Government Planning Policy Guidance contained in PPS1 (Delivering Sustainable Development), PPG15 (Planning and the Historic Environment), Policy BE3 of the Lincolnshire Structure Plan (proposed Changes, February 2005) and Policies H7, EN1, C6 and C9 of the South Kesteven Local Plan.

Note to applicant:-

Applicant to be advised to consult the Senior Planning Officer (Policy and Conservation) prior to the submission of any further applications on this site.

*(4.50pm – Councillor Mrs Jalili left the meeting)*

*(4.55pm – Councillor Mrs Jalili returned to the meeting)*

**SR.3**

Application ref: S06/0779/17

Description: Demolition of existing bridge and formation of new embankments and re-profiling of carriageway

Location: Redundant Railway Bridge (EBO/3), Carlby Road, Carlby

Decision: Deferred

Noting comments made during the public speaking session from:-

Mr M Brebner – Clerk to Greatford Parish Council – objecting

Mr R McDermot – local resident – objecting

together with comments from the Highway Authority, representations from nearby residents, Greatford Parish Council and the Lincolnshire Wildlife Trust together with submissions in support from the applicants, for a site inspection to view the condition of the bridge and the surrounding area and the possible effect on road safety and local traffic.

(5.11pm – Councillor H G Wheat left the meeting)

**NU.2**

Application ref: S06/0770/35

Description: Provision of 3 storey (6 level) multi-storey car park

Location: Welham Street, Grantham

Decision: Approved

Noting comments made during the public speaking session from:-

Mr D Johnson – 5 Grove End Road, Grantham – objecting

Mr A Clipsham – 3 Grove End Road, Grantham – objecting

together with comments from the Highway Authority and Community Archaeologist and representations from nearby residents, subject to the following conditions:-

1. Samples of the materials to be used for all external walls and roofs shall be submitted to the District Planning Authority before any development to which this permission relates is commenced and only such materials as may be approved in writing by the authority shall be used in the development.
2. Before any development is commenced the approval of the District Planning Authority is required to a scheme of landscaping and tree planting for the site (indicating inter alia, the number, species, heights on planting and positions of all the trees). Such scheme as may be approved by the District Planning Authority shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.

3. Within seven days of the new access being brought into use, the existing access onto Welham Street shall be permanently closed in accordance with a scheme to be agreed in writing by the Local Planning Authority.
4. The arrangements shown on the approved plan AB(0) 101, 102, 103 and 104 dated 26 May 2006 for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.
5. The applicant shall arrange for an archaeologist recognised by the District Planning Authority to monitor all stages of the development involving ground disturbance in accordance with a scheme to be submitted to and approved by the Authority before development is commenced. A report of the archaeologist's findings shall be submitted to the District Planning Authority within one month of the last day of the watching brief, and shall include arrangements for the conservation of artefacts removed from the site.  
**(NB: Note to applicant 'ARC2' required with this condition).**
6. This consent relates to the application as amended by plans by email received on 7<sup>th</sup> July 2006.

Note(s) to Applicant

1. Prior to the commencement of any of the access works within the public highway, please contact the Divisional Highways Manager (Lincolnshire County Council) for appropriate specification and construction information.
2. You are advised that the application site falls within an area which requires protection from Radon. You are advised to contact the District Council's Building Control Services to ascertain the level of protection required, and whether geological assessment is necessary.
3. Your attention is drawn to the conditions imposed on the outline planning permission, S05/1378/35, which remains relevant in this instance.

**716. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY**

The Acting Development Control Services Manager submitted his report PLA600 listing details of applications not determined within the eight-week time period. Also submitted was a list of applications dealt with under delegated powers and a list of appeals and newly submitted appeals received during July 2006 and a summary of the Department of the Environment Statistical Returns for the period April to June 2006.

**717. CLOSE OF MEETING**

The meeting closed at 5.42pm